

(103 of 188)

1.07(a)(4)(A), in her official government role as chair/presiding officer of the Commission for Women.

2-1-48(B)(2) - Presiding officer Austen, did not exercise the officer's authority impartially, though 2-1-48(B)(2) says the presiding officer should exercise the officer's authority impartially.

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By unofficially introducing and illegally implementing & enforcing additional, new, special rules for Citizen Communication that were not required, not constitutional, & not officially adopted by the CFW to illegally censor & silence me during the July 10, 2019 meeting, then illegally ~~remove~~ have me removed from that meeting, presiding officer Austen intentionally stacked the deck against me, abusing her official capacity to officially oppress me, violating Texas Penal Codes 39.02 & 39.03, violating 2-1-48(B)(2).

2-1-48(B)(3) - Presiding officer Austen unconstitutionally

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shortened my speaking time during my Citizen Communication for use of "disparaging or abusive" language because 2-1-48(B)(3) says the presiding officer may shorten a person's speaking time only for a violation of decorum set out in this section, and the cited decorum violation of "use disparaging or abusive language" is unconstitutional during Citizen Communication, per explicated violation 2-1-1(c).

## Recommendations

The five actionable recommendations are:

- (29 of 79)
- 1) Because Austin City Code 2-1-48's "disparaging or abusive language" clause is unconstitutional with respect to Citizen Communication during board meetings, the Code needs to be changed ASAP to reflect this legal reality so no board, commission, committee, or council breaks the law by misusing it to illegally censor, silence or punish constitutionally protected free speech. how presiding officer Austin did during Citizen Communication at the CFW July 10, 2019 meeting.

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2) Because the additional, new, special unconstitutional Citizen Communication rules that presiding officer Austen illegally implemented + enforced at the CFW July 10, 2019 meeting apparently emanated from a draft form document from the City Clerk's office (See Exhibit C-2), a template to be adopted, implemented, + enforced by all boards, commissions, committees, + councils for their Citizen Communications, immediately tell the City Clerk's office + the Law Department to permanently cease + desist their unlawful attacks against constitutionally protected free speech by trashing that draft document + never producing, approving, or disseminating any thing like that ever again.

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3) Create a public, on-line Citizen Communication Rights + Responsibilities document, and disseminate it to all boards, commissions, committees, + councils, as well as security + APD at all meeting sites, so everyone knows + follows the rules + law for + during Citizen Communications.

That document should include facts:



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i) A Citizen Communication speaker may not be interrupted or removed unless he or she:

- makes a threat of physical violence against another person, committing "Assault by threat" violating Texas Penal Code 22.01(A)(2) by causing a reasonable person to reasonably believe bodily harm against him or her is imminent

- yells "FIRE" when there is no fire

- uses vulgar/obscene language in a public place to cause an immediate breach of the peace, violating Texas Penal Code 42.01, reaching the legal standard defined by that statute, explicated by case law [i.e. "motherfucker" crosses the line; "bitch" does not]

- continues talking after the time limit has elapsed and the presiding officer/chair has respectfully communicated to the speaker that his or her time is

ii) A Citizen Communication speaker may use harsh, insulting, pointed, disparaging, abusive, and/or denigrating language because

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all that hate speech is Constitutionally protected against government attack, (i.e., Matal v. Tam), though the City prefers speakers not use such language during Citizen Communication.

iii) Citizen Communication language that approaches the line or is on the ~~line~~ line, like "punk ass bitch" should be allowed at first, recorded, documented, & sent to the Law Department to determine its legality for future meetings.

iv) Make clear to all board members & especially presiding officers, that members of the public attending and/or speaking during Citizen Communication or on any agenda item are not "guests of the organization" though they are not members of that board.

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Therefore, the Texas Open Meetings Act legally empowers them to be there at that board meeting, protecting them from being removed without appeal by the presiding officer without just cause, superseding the removal without



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appeal power that Robert's Rules of Order gives presiding officers to use against nonmembers of that board that are guests of that board.

v) Make clear that when members of the public are invited to publicly comment on an item that is on that board meeting's agenda, the same greater free speech protections apply as they do during Citizen Communication about board-related topics not on the agenda, because public comment on an item on the agenda usually happens before that board's members publicly discuss that item and almost always happens before that board debates the merits of any motion related to that item.

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vi) Therefore, make clear the greater free speech protections enjoyed by nonmembers of that board who are members of the public who speak on record during Citizen Communication, following no-debate decorum, and/or speak during public comment on an agenda item, following pre-debate decorum, versus the lesser free speech protections that members

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of that board are restricted by following debate decorum defined by Robert's Rules of Order.

vii) Make clear those presiding officers and/or other board members intentionally, illegally censoring, silencing, ~~or~~ and/or punishing constitutionally protected free speech by members of the public at board meetings will be criminally prosecuted and/or have their board officially disbanded.

4) Document + punish minor + major attempts to falsely rewrite the truth ex post facto, such as:

- Exhibit C-12 shows the CFW webpage 2019 Meeting Schedule missing the July 10, 2019 regular CFW meeting, allegedly to try hiding the fact that it occurred, to discourage website visitors from clicking the "View ~~Agendas~~ Supporting Documents and Approved Minutes" link to access the July 10, 2019 meeting audio to listen to chair/presiding officer Austen's crimes, on public record.

- Exhibit C-13 shows no phone calls

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between MS. Hall's phone + MS. Nguyen's phone 01/01/2018 - 07/01/2019, though MS. Hall claims she spoke to MS. Nguyen over the phone after the December 12, 2018 special called CFW meeting when MS. Nguyen, the staff liaison from Human Resources, violated the Citizen Communication rules by repeatedly trying to speak over + interrupt me during my Citizen Communication.

Therefore the call logs between MS. Hall + MS. Nguyen appear to have been deleted to try erasing documentation of the phone conversation(s) between MS. Hall + MS. Nguyen, re: confirming + correcting MS. Nguyen's protocol violations during my Citizen Communication on December 12, 2018, as if neither they nor the conversation(s) happened.

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Immediately after my Dec. 12, 2018 Citizen Communication, 4:40 - 7:20 on the meeting audio (See Exhibit C-8), CFW members + staff liaison Nguyen lied about me on record to try



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assassinating my character behind my back without me being there to defend myself to set the record straight.

Specifically, the lies were:

- i) that I had been banned from City Council meetings;
- ii) that I had been banned from City & County entities;
- iii) that I had been banned from Travis County Commissioners Court for two years; and
- iv) that I committed

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"verbal assault" at the Dec. 12, 2018 CFW meeting, immediately prior to them speaking their lies about me.

All of their feminist, passive-aggressive

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psych warfare attacks were apparent retaliation against my non-feminist beliefs + statements, another example of (FW viewpoint) discrimination against what they do not agree with or support, showing they were the ones trying to verbally assault me in my absence, trying to project what they were doing on to me, trying to gaslight themselves and the public about me.

Therefore, it's their speech about me that should be banned because they were trying to speak into existence a false, anti-reality about me that does not truly exist to falsely + pejoratively redefine me how they want to avoid dealing with the truth, to exert power over me they don't have, to try controlling me when they cannot.

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5) Hold chair/presiding officer Rebekah "Becky" Asten accountable for what she said + did July 10, 2019 and hold her fellow FW members accountable for what they said December 12, 2018 + what they didn't say or do July 10, 2019 to tacitly condone what Asten said + did.

# REFERENCES / CITATIONS

(in order of appearance)

Austin City Code  
Robert's Rules of Order (11th Edition)  
Texas Open Meetings Act  
Texas Penal Code  
Reed v. State  
U.S. Constitution  
Texas Constitution  
Fairchild v. Liberty Independent School Dist.  
Chiu v. Plano Independent School Dist.  
Matal v. Tam  
Street v. New York  
Texas v. Johnson  
Duran v. Furr's Supermarkets, Inc.  
Tex. Att'y Gen. Op. no. JM-900 [1988]  
Texas Citizens Participation Act  
Austin Boards & Commissions Training Workbook  
~~Commission for Women Bylaws~~  
Commission for Women Bylaws

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# Exhibits

C-1 - Photo of Commission for Women  
Chair / presiding officer Rebecca  
"Becky" Auster

C-2 - July 10, 2019 draft document  
from the City Clerk's office  
stating the Standing Constitutional  
Citizen Communication rules that  
belong and the additional, new,  
Special unConstitutional Citizen  
Communication rules that don't  
belong

C-3 - Copy of Commission for Women  
web page to go to listen to the  
audio from the June 17, 2019  
meeting and the July 10, 2019  
meeting

C-4 - Copies of the ACKNOWLEDGMENT  
OF BOARD ELIGIBILITY  
REQUIREMENTS document signed  
& dated by members of the  
Commission for Women

C-5 - Copies of the OATH OF OFFICE  
dated, notarized document signed  
by members of the Commission  
for Women

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G-6 - Copy of the bylaws for the Commission for women, dated March 25, 2016, from the City Clerk's office

G-7 - Rebecca Austen's Oath of Office, dated Feb. 2017

G-8 - Copy of Commission for Women webpage to go to listen to the audio from the Dec. 12, 2018 meeting

G-9 - 2-page handout handed to Ms. Stephanie Hall shortly after Dec. 12, 2018

G-10 - Approved minutes of the June 17, 2019 Commission for Women meeting

G-11 - Copy of Rebecca Austen's Signed ACKNOWLEDGEMENT of BOARD ELIGIBILITY REQUIREMENTS, dated Feb. 21, 2017

G-12 - Commission for women website page showing 2019 meeting schedule missing the July 10, 2019 meeting

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C-13 - MICROALL report showing  
~~no~~ zero phone calls between  
MS. Stephanie Hall's phone &  
MS. Vicky Nguyen's phone 1/1/18-  
7/1/19. Though MS. Hall claimed  
in person to have spoken to MS.  
Nguyen by phone about what  
MS. Nguyen did wrong at the  
Dec. 12, 2018 Commission for  
Women meeting during Citizen  
Communication

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Exhibit C-1



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Chair/ Presiding Officer – Commission for Women

Rebecca "Becky" Austen (2014 photo)

<https://leadershipaustin.org/2014/09/05/announcing-the-essential-class-of-2015-2/>

Note: Based on her alleged ass-backwards, criminal behavior on July 10, 2019 during Citizen Communication at the Commission for Women meeting, makes you wonder what she was taught in that Leadership Austin Essential Class of 2015.

# Exhibit C-2

July 10, 2019

I remind everyone that Citizen Communications are limited to three minutes per speaker, and Commissioners and other attendees shall not interrupt the speakers during that time.

Speakers ~~you~~ are directed not to use disparaging or abusive language; you may criticize a public official or public figure, but you may not use personally derogatory or disparaging remarks. Please find a way to state your criticism without using disparaging or derogatory remarks. If a speaker ~~you~~ continues to violate decorum, their ~~your~~ time may ~~will~~ be cut short, or they ~~you~~ may be removed from the Commission XXX.

This is a first Amendment violation because  
Citizen Communication is NOT debate,

— Carlos León

Paragraph 1 (I remind everyone...) are the standing Constitutional rules,

Paragraph 2 (Speakers are directed...) are the additional, new Special unConstitutional rule.

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Explore your city...

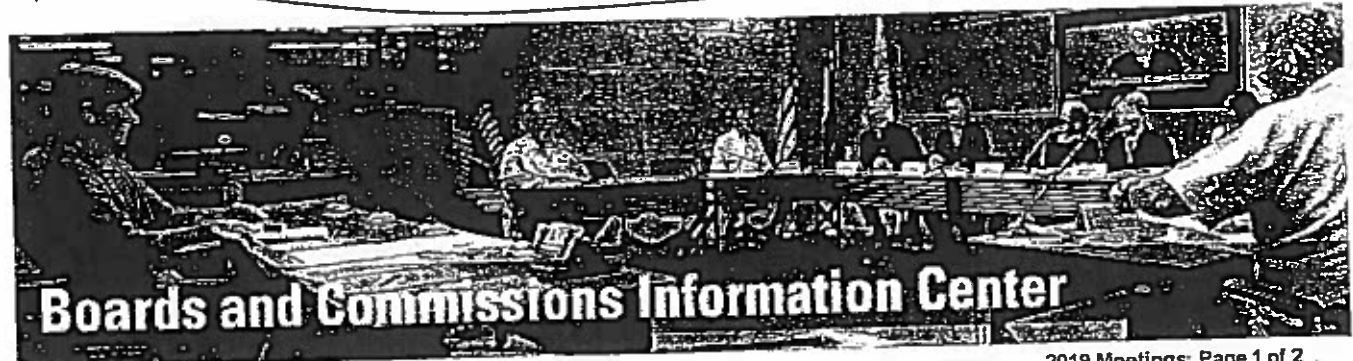
SEARCH

Advanced Search

austintexas.gov  
the official website of the City of Austin

Exhibit C-3

Department » City Clerk



2019 Meetings: Page 1 of 2  
Go to page: 1 2

## 2019 Meetings: Commission for Women

Meeting documents are also available for:

[2018](#) | [2017](#) | [2016](#) | [2015](#) | [2014](#) | [2013](#) | [2012](#) | [2011](#) | [2010](#) | [2009](#)

### August 14, 2019

Regular Meeting of the Commission for Women - Location: One Texas Center - 505 Barton Springs Road, Room 1300

[Agenda \(73KB\)](#)

### July 10, 2019

Regular Meeting of the Commission for Women - Location: One Texas Center - 505 Barton Springs Road, The Cavern

[Agenda \(71KB\)](#)

[Play audio - Meeting Audio](#)

[Recommendation - 20190710-03a\(3\): Menstrual Equity \(76KB\)](#)

[Recommendation - 20190710-03a02: Budget for Victim Services \(192KB\)](#)

### June 17, 2019

Special Called Meeting of the Commission for Women - Location: One Texas Center - 505 Barton Springs Road, Room 805

[Agenda \(108KB\)](#)

[Approved Minutes \(149KB\)](#)

[Play audio - Meeting Audio](#)

[Backup - Item 4a: Presentation on Combating Human Trafficking in Central Texas \(2.7MB\)](#)

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# Exhibit C-4

## ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

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ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Tanya Athar-Jogee, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Tanya Athar-Jogee  
Name

Feb 24, 2017  
Date

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(12 of 188)

ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Rossana A. Barrios, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Rossana Barrios  
Name

2/25/17  
Date

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## ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Flannery Bope, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Flannery Bope  
Name

2/13/17  
Date

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ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Nancy Cardenas, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Nancy Cardenas  
Name

6/25/19  
Date

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# ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Neva FERNANDEZ, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Neva Fernandez  
Name

4/12/2019  
Date

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## ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Jillana Gonzales, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

  
Name

4/10/2019  
Date

ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Julia Cula Lewis, have been appointed to serve  
as a member of the Women's Commission.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Julia Cula Lewis  
Name

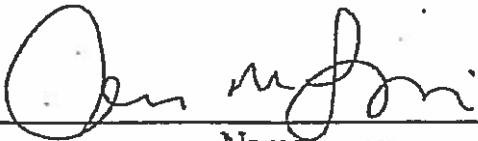
4.18.19  
Date

## ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Amanda Michelle Lewis, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

  
Name

6-28-17  
Date

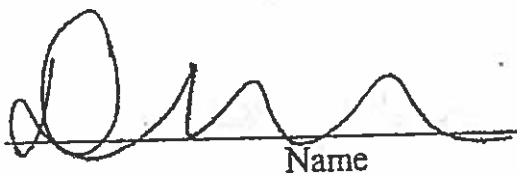


ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Dyana Limon-Mercado, have been appointed to serve  
as a member of the Women's Commission.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

  
Name

11/8/18  
Date

## ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Sarah Tober, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Audrey  
Name

April 18, 2019  
Date

Exhibit C-5

OATH OF OFFICE

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In the name and by the authority of

The State of Texas

OATH OF OFFICE

and

STATEMENT OF APPOINTED OFFICER

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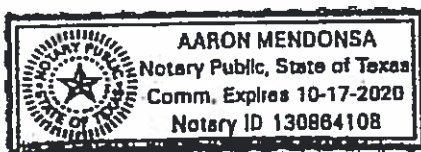
I, Tanya Alvar-Jogee, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment for the giving or withholding of a vote at the  
election at which I was elected or as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Commissioner for Women

of the State of Texas, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States and of this State, so help me  
God.

(57 of 79)

Tanya Alvar-Jogee  
Affiant

SWORN TO and subscribed before me by affiant on this 24 day of February  
2017.



(Seal)

[Signature]  
Signature of Person Administering Oath

Aaron Mendonsa  
Printed Name

Notary  
Title



In the name and by the authority of

The State of Texas

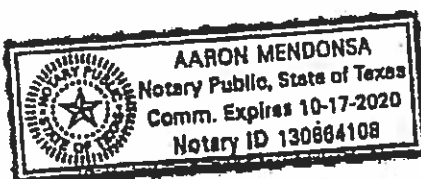
OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER

I, Rossana A. Barrios, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment for the giving or withholding of a vote at the  
election at which I was elected or as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Commission for Women

of the State of Texas, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States and of this State, so help me  
God.

Rossana Barrios  
Affiant

SWORN TO and subscribed before me by affiant on this 25<sup>th</sup> day of Mar February  
2017.



(Seal)

Aaron Mendonza  
Signature of Person Administering Oath

Aaron Mendonza  
Printed Name

Notary  
Title

In the name and by the authority of

## The State of Texas

### OATH OF OFFICE and STATEMENT OF APPOINTED OFFICER

(134 of 188)

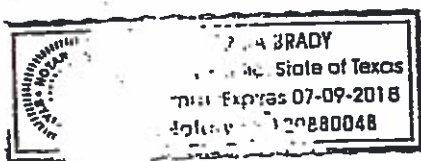
I, Flannery Bope, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment for the giving or withholding of a vote at the  
election at which I was elected or as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
City of Austin Commission for Women

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of the State of Texas, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States and of this State, so help me  
God.

Flannery Bope  
Affiant

SWORN TO and subscribed before me by affiant on this 13th day of February  
2017.



(Seal)

EB  
Signature of Person Administering Oath

Erika Brady  
Printed Name

Notary Public  
Title

In the name and by the authority of

**The City of Austin**

**OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER**

I, Nancy Cardenas, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Commission for Women  
of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

[Signature]  
Affiant

SWORN TO and subscribed before me by affiant on this 25 day of June  
2019.



(Seal)

Stephanie Hall  
Signature of Person Administering Oath

Stephanie Hall  
Printed Name

Notary  
Title

In the name and by the authority of

## The City of Austin

### OATH OF OFFICE and STATEMENT OF APPOINTED OFFICER

I, Julia Cuba Lewis, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
the Women's Commission  
of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

Julia Cuba Lewis  
Affiant

SWORN TO and subscribed before me by affiant on this 18 day of April  
2019.



(Seal)

Lauren Signorino  
Signature of Person Administering Oath  
Lauren Signorino  
Printed Name  
Program Coordinator  
Title

(136 of 188)

(61 of 79)



In the name and by the authority of

## The City of Austin

### OATH OF OFFICE and STATEMENT OF APPOINTED OFFICER

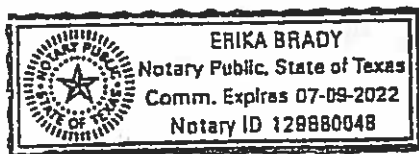
I, Nesra Fernandez, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of

Commission for Women

of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

Nesra Fernandez  
Affiant

SWORN TO and subscribed before me by affiant on this 12th day of April  
2019.



(Seal)

Erika Brady  
Signature of Person Administering Oath

Erika Brady  
Printed Name

Notary Public  
Title

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In the name and by the authority of

## The City of Austin

### OATH OF OFFICE and STATEMENT OF APPOINTED OFFICER

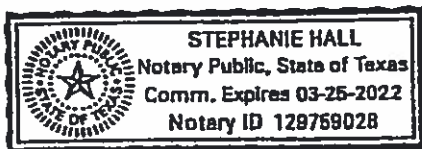
I, Johana Gonzalez, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of

Commissioner on Commission for Women

of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

Affiant

SWORN TO and subscribed before me by affiant on this 10 day of April  
2019.



(Seal)

Stephanie Hall  
Signature of Person Administering Oath

Stephanie Hall  
Printed Name

Notary  
Title

(138 of 188)

(63 of 79)

In the name and by the authority of

**The City of Austin**

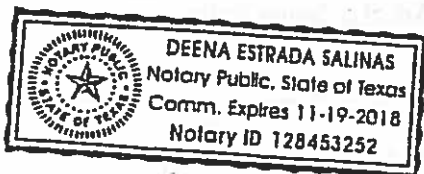
**OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER**

I, Amanda Michelle Lewis, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Commission For Women

of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

[Signature]  
Affiant

SWORN TO and subscribed before me by affiant on this 20th day of June  
2017.



(Seal)

[Signature]  
Signature of Person Administering Oath

Deena Estrada Salinas  
Printed Name

Notary  
Title

(139 of 188)

(64 of 77)

In the name and by the authority of

## The City of Austin

### OATH OF OFFICE and STATEMENT OF APPOINTED OFFICER

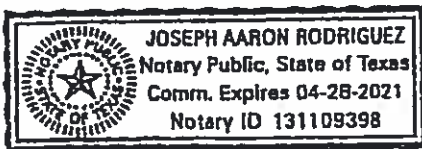
I, Dyana Limon-Mercado, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of

Women's Commission

of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

Dyana Limon-Mercado  
Affiant

SWORN TO and subscribed before me by affiant on this 8 day of November  
2018.



(Seal)

Joseph Rodriguez  
Signature of Person Administering Oath

Joseph Rodriguez  
Printed Name

Notary Public  
Title



In the name and by the authority of

**The City of Austin**

**OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER**

(141 of 188)

I, Sarah Tober, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of

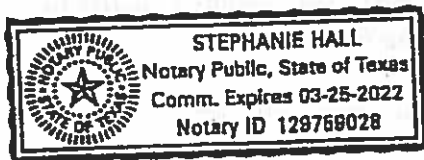
Commission for Women

of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

[Signature]  
Affiant

(66 of 79)

SWORN TO and subscribed before me by affiant on this 18<sup>th</sup> day of April  
2019.



(Seal)

Stephanie Hall  
Signature of Person Administering Oath

Stephanie Hall  
Printed Name

Notary  
Title

# Exhibit C-6

## BYLAWS OF THE Commission for Women

### ARTICLE 1. NAME.

The name of the board is Commission for Women

### ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is to serve as an advisory body to the City Council and the City Manager concerning the needs and problems of women in the Austin area and shall recommend programs designed to alleviate any inequities that may confront women in social, economic and vocational pursuits. The Commission shall develop goals and coordinate research for planning, programming, and action relating to opportunities, needs, problems, and contributions of women in the city.

### ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of eleven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of four years beginning March 1<sup>st</sup> on the year of appointment.
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

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ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair and a vice-chair.
- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after April 1<sup>st</sup>. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (C) The term of office shall be one year, beginning May 1st and ending April 30<sup>th</sup>. An officer may continue to serve until a successor is elected. A person may not serve as an officer in a designated position of a board for more than four consecutive one-year terms. A person who has served as an officer in a designated position of a board for four consecutive terms is not eligible for re-election to that designated office until the expiration of two years after the last date of the person's service in that office. The board may override the term limit provision for an officer by an affirmative vote of two-thirds of the authorized board members.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees, represent the board at ceremonial functions and approve each final meeting agenda.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda.
- (B) The board liaison shall submit the meeting agenda through the online agenda posting system for each meeting not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.

(D) The board shall meet monthly or when the board is legally required to meet in order to comply with a legal deadline.) In November of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.

(E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.

(F) Six members constitute a quorum.

(G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.

(H) To be effective, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

(144 of 188)  
If only a quorum is present at a meeting, a board action is adopted by an affirmative vote of two-thirds of the quorum (13 member board = 5 votes; 15 member board = 6 votes). If more than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum (13 member board = 7 votes; 15 member board = 8 votes).

(I) The chair has the same voting privilege as any other member.

(J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.

(K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.

(L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Office of the City Clerk shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).

(M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

(N) Each person and board member attending a board meeting should observe decorum pursuant to Section 2-1-48 of the City Code.

(O) A member of the public may not address a board at a meeting on an item posted as a briefing.

(69 of 79)

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of procedure which the board or city council may adopt.

#### ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the Austin City Council at their meeting held on March 24, 2016.

Sandra Adame  
Staff Liaison

March 25, 2016

(145 of 188)

(71 of 77)



Exhibit C-7

In the name and by the authority of

The State of Texas

OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER

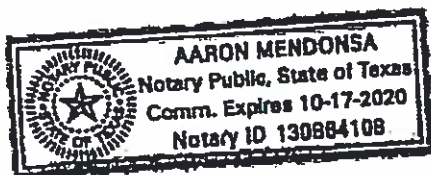
(146 of 168)

I, REBECCA AUSTEN, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment for the giving or withholding of a vote at the  
election at which I was elected or as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
COMMISSION FOR WOMEN

of the State of Texas, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States and of this State, so help me  
God.

Rebecca Austen  
Affiant

SWORN TO and subscribed before me by affiant on this 21 day of February  
2017.



(Seal)

Aaron Mendonsa  
Signature of Person Administering Oath

Aaron Mendonsa  
Printed Name

Notary  
Title

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**austintexas.gov**  
the official website of the City of Austin

Exhibit G-8

Department » City Clerk



2018 Meetings: Page 1 of 2 .  
Go to page: 1 2 .

## 2018 Meetings: Commission for Women

Meeting documents are also available for:

[2019](#) | [2017](#) | [2016](#) | [2015](#) | [2014](#) | [2013](#) | [2012](#) | [2011](#) | [2010](#) | [2009](#)

**December 12, 2018**

Special Called Meeting of the Commission for Women - Location: Austin City Hall, Room 1027, 301 W 2nd St, Austin, TX 78701

[Agenda \(78KB\)](#)

[Approved Minutes \(227KB\)](#)

[Play audio - Meeting Audio](#)

**November 14, 2018**

Regular Meeting of the Commission for Women - Location: Terrazas Library, 1105 E. Cesar Chavez Austin, Texas 78702

[Agenda \(80KB\)](#)

[Approved Minutes \(236KB\)](#)

[Play audio - Meeting Audio](#)

[Backup - State Legislative Update Presentation by City's IRG Department \(1.9MB\)](#)

**October 10, 2018**

Regular Meeting of the Commission for Women - Location: Terrazas Library, 1105 E. Cesar Chavez Austin, Texas 78702

[Agenda \(81KB\)](#)

[Minutes \(157KB\)](#)

Austin City Code - Title 2 - Administration - Chapter 2-1 City Boards

12/14/18  
Carlos Lesn

2-1-48 - RULES OF ORDER (A) - Each person and board member attending a board meeting should observe decorum. A person or board member should not speak out of turn, use disparaging or abusive language, or make threats of violence against any other person during a board meeting. (B) The presiding officer: (1) should maintain order, (2) should exercise the officer's authority impartially, and (3) may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section.

2-1-44 - MEETING PROCEDURES. - (A) Board meetings are governed by Robert's Rules of Order and the board's bylaws. Texas Penal Code  
"Assault by Threat"

Robert's Rules of Order (11<sup>th</sup> Edition) - CHAPTER XII - ASSIGNMENT OF THE FLOOR; DEBATE, §42. RULES GOVERNING ASSIGNMENT OF THE FLOOR - When a member has been assigned the floor and has begun to speak, he cannot be interrupted by another member or the chair unless he speaks longer than the rules of the assembly allow or when the urgency of a specific situation justifies it (see Interruption of a Member Assigned the Floor (a - h) for the eligible specific situations).

Roles and Responsibilities of Board Members - Be attentive to those who are presenting their point of view. This is an important issue to them and their voice must be heard. Follow the rules in the City Code and in the board's bylaws. The rules provide that each person and board member attending a meeting should observe decorum.  
<http://www.cityofaustin.org/edims/document.cfm?id=114611>

Austin City Code - ARTICLE I. - § 2. - FORM OF GOVERNMENT - the laws and government of the city are subject to the limitations imposed by the state constitution and the state laws

Texas Constitution - Art. I - BILL OF RIGHTS

- Sec. 1 - Texas is a free and independent State, subject only to the Constitution of the United States
- Sec. 3a.- Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin.
- Sec. 8. - Every person shall be at liberty to speak...his opinions on any subject...and no law shall ever be passed curtailing the liberty of speech
- Sec. 19. - No citizen of this State shall be deprived of...liberty, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

U.S. Constitution - BILL OF RIGHTS - ARTICLE I - Congress shall make no law...abridging the freedom of speech; U.S. Constitution ARTICLE III - Section 1 - The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.; Section 2 - The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States...

Matal V. Tam (2017) - The Supreme Court of the United States unanimously ruled that a "disparaging" limitation on free speech is unconstitutional, citing "public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers," (*Street v. New York*), with Justice Kennedy calling such viewpoint discrimination unconstitutional because "a fundamental principle of the First Amendment is that the government may not punish or suppress speech based on disapproval of the ideas or perspectives the speech conveys." In fact, Justice Alito went further, saying "Speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express "the thought that we hate."

CONCLUSION - Because Austin City Code 2-1-48 's "disparaging or abusive language" clause is unconstitutional, it cannot be used during City Board, Commission, Committee, or Council meetings to censor, interrupt, silence, or punish Citizen Communication free speech that is disparaging, abusive, and/or hateful or ban the speaker.

(1 of 2)

...y sued for punishing 'rude' speech - Posted By -NO AUTHOR- On 12/17/2018 @ 6:11 pm

...ing that purpose of the First Amendment is to protect offensive speech, a group of students has sued the University of Texas at Austin. The complaint by the student organization Speech First names university President Gregory Fenves and other officials.

"The mere dissemination of ideas – no matter how offensive to good taste – on a state university campus may not be shut off in the name alone of 'conventions of decency,'" the complaint charges. "Yet the University of Texas at Austin and its officials have created an elaborate investigatory and disciplinary apparatus to suppress, punish, and deter speech that other students deem 'offensive,' 'biased,' 'uncivil,' or 'rude.'"

The case points out that the federal court already has "instructed" the university that the First Amendment does "not apply with less force on campus," but it is "ignoring that admonition." UT's speech codes target "verbal harassment," "offensive" speech, "insults," "epithets," "ridicule" and more based on characteristics such as "ideology, political views, or political affiliation."

But the prohibitions, which are "backed by the threat of investigation and formal or informal discipline," are vague and undefined and "provide no clear or objective guidance to students about how to comply," the complaint contends. The practices and policies "unconstitutionally chill speech," it alleges, citing a "red light" rating, the worst possible, for the university from the Foundation on Individual Rights in Education. The policy punishes students for "rude" or "uncivil" speech but does not define the terms. It even has a SWAT-style "Campus Climate Response Team" to respond to and punish complaints about undefined incivility.

"If the incident potentially violates the law or the university's rules, the CCRT 'works in partnership with campus and community resources that address violations of university policies and criminal acts,'" the complaint states. Other schools, such as the University of Northern Colorado and the University of Iowa, already have scrapped their own SWAT teams, because they were viewed as being punitive to students. But the practice remains at Austin.

FIRE pointed out that during the confirmation hearing of now-Justice Brett Kavanaugh, members of the Young Conservative of Texas set up a pro-Kavanaugh table and held up supportive signs. "A large group of students surrounded the table for approximately two hours, hurling expletives and forcibly grabbing and destroy the signs," FIRE said. "One YCT member had his 'Make American Great Again' hat ripped off his head. The incident ended because campus police escorted the YCT members away to protect their safety. The YCT members were then 'doxxed,' meaning their personal information was published online (including their names, phone numbers, emails, and jobs). Upon information and belief, the university has taken no action."

The university even warns students of the "consequences" of choosing the wrong Halloween party costume to wear. "Less than two months ago ... an event featuring conservative commentator Charlie Kirk was disrupted with chants and ... and many of the signs advertising the event were vandalized or removed," the complaint notes. "The university's official policies already make clear – that certain viewpoints are not welcome on campus and will be met with retribution from the university and/or other students." Student members of the group, whose names were withheld in the complaint, hold pro-life, pro-GOP and conservative views. But they are fearful of even expressing their opinions because of the university atmosphere of intolerance, it complains.

The suit seeks a declaratory judgment striking the prohibition on "verbal harassment" as a violation of the Constitution and an injunction against future prosecutions by the school of students. "Without a doubt, the University of Texas has failed to appropriately safeguard students' First Amendment rights," said Speech First President Nicole Neily. "Students deserve to be able to express themselves and voice their opinions without fear of investigation or punishment – which is why these policies must be reformed."

Article printed from WND: <http://www.wnd.com>

URL to article: <http://www.wnd.com/2018/12/university-sued-for-punishing-rude-speech/>

COMMISSION FOR WOMEN  
MEETING MINUTES

MONDAY, June 17, 2019

Exhibit C-10



COMMISSION FOR WOMEN  
MINUTES

SPECIAL CALLED MEETING  
MONDAY, June 17, 2019

The Commission for Women convened for a special called meeting on Monday, June 17, 2019 at One Texas Center, 505 Barton Springs Road, in Austin, Texas.

Chair Austen called the Commission Meeting to order at 12:05 p.m.

Commissioners in Attendance:

Rebecca Austen, Chair  
Flannery Bope, Vice Chair  
Tanya Athar-Jogee  
Julia Cuba Lewis  
Neva Fernandez  
Juliana Gonzales  
Amanda Lewis  
Dyana Limon-Mercado  
Sarah Tober

Commissioners Absent:

Rossana Barrios

Vacancy:

District 3

Staff in Attendance:

Vicky Nguyen, Human Resources Department  
Bryan Dore, Human Resources Department  
Kachina Clark, Austin Police Department

1. **CITIZEN COMMUNICATION: GENERAL**  
Speaker: Carlos Leon.

2. **APPROVAL OF MINUTES**

The minutes from the regular meeting of May 8, 2019 were approved on Vice Chair Bope's motion, Commissioner Athar-Jogee's second on a 6-0 vote. Commissioners Limon-Mercado, Gonzales, and Tober were off the dais. Commissioner Barrios was absent.

3. **OLD BUSINESS**



Exhibit C-11

ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, REBECCA AUSTEN, have been appointed to serve  
as a member of the COMMISSION FOR WOMEN.

In accordance with City Code Section 2-1-21 (Eligibility Requirements And  
Removal), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(Training) within the prescribed time period.

Rebecca Austen  
Name

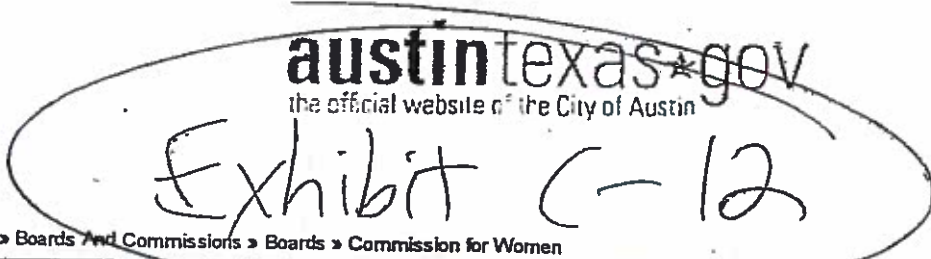
2/21/17  
Date

(15/04/18)

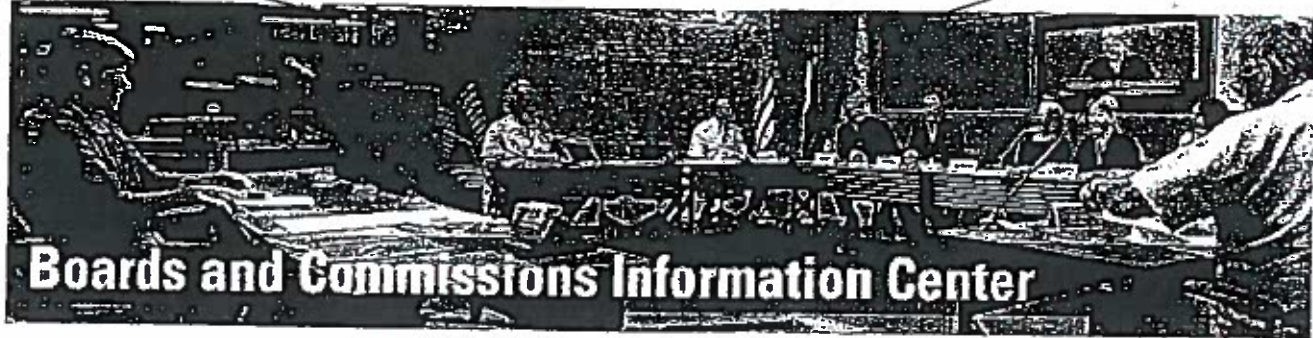
(27/04/17)

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Department » Boards And Commissions » Boards » Commission for Women



## COMMISSION FOR WOMEN

Serves as an advisory body to the city council and city manager concerning the needs and problems of women in the Austin area and shall recommend programs designed to alleviate any inequities that may confront women in social, economic and vocational pursuits. See Section 2-1-125 of the City Code for additional duties.

### Meetings:

- Second Wednesday of the month
- See agenda or contact liaison for meeting time and location

### Meeting Documents:

[View Agendas, Supporting Documents and Approved Minutes](#)

### 2019 Meeting Schedule:

- January 9, 2019
- February 13, 2019
- March 13, 2019
- March 25, 2019 - Special Called - Community Forum
- April 10, 2019
- April 17, 2019 - Special Called - Cancellation
- April 23, 2019 - Special Called
- May 8, 2019
- June 12, 2019 - Cancelled
- June 17, 2019 - Special Called
- August 14, 2019
- September 11, 2019
- October 9, 2019
- November 13, 2019

\* [ ] \*

### Staff:

- Vicky Nguyen, Human Resources Department, 512-974-3292
- Rebecca Kennedy, Human Resources Department, 512-974-3293

### By-laws:

[By-laws: Commission for Women, PDF](#)

\* - Notice that the July 10, 2019 regular meeting of the Commission for Women is absent from this page, ostensibly to make the public think it didn't happen, though it did, to try to obfuscate the ~~the~~ alleged criminality that took place then & there during Citizen Communication.

9667126

MICROCALL

CITY OF AUSTIN

EXTENSION CALL DETAIL REPORT

Exhibit C-13

Printed: 07/26/2019 10:37  
Report Range: 01/01/2018 - 07/01/2019

	Extension	Calls	Duration	Cost\$
	42499	0	0:00:00	0.00
	Extension	Calls	Duration	Cost\$
	43292	0	0:00:00	0.00
Report Totals		0	0:00:00	0.00

Exhibit 6



City of Austin

# Law Department

City Hall, 301 West 2nd Street, P.O. Box 1088  
Austin, Texas 78767-1088  
(512) 974-2268

September 9, 2019

**Available for Hand Delivery at City Law Department, 4<sup>th</sup> Floor City Hall, 301 West Second Street, Austin, Tx 78701**

Carlos León

**[no address provided by complainant]**

***Via First Class Mail and Email at BC-Rebecca.Austen@austintexas.gov***

Rebeca Austen

715 E. 8<sup>th</sup> Street

Austin, Texas 78701

***Via Email at Vicky.Nguyen@austintexas.gov***

Vicky Nguyen

Staff Liaison, Commission for Women

Human Resources Department

City of Austin

***Via Email at Stephanie.Hall@austintexas.gov***

Stephanie Hall

Office of City Clerk

***Via First Class Mail***

Lewis Austin

C/O Charles Spong, Client Manager, Allied Universal

1812 Centre Creek Drive, Suite 215

Austin, TX 78754

**Re: Notice of Initial Jurisdictional Determination of the Chair of the City of Austin  
Ethics Review Commission**

Dear Mr. León and Ms. Austen:

This notice is being sent to you as required by Austin City Code Section 2-7-41(H)(2)(a) (Complaints). The Office of the City Clerk ("City Clerk") accepts complaints on behalf of the City of Austin Ethics Review Commission ("Commission").

1001-7-1001

*Notice of Initial Jurisdictional Determination*  
*September 9, 2019*

On August 23, 2019, the City Clerk received a complaint filed by Carlos León against Rebecca Austen, which alleged violations of City Code Sections 2-1-2, 2-1-3, 2-1-21, 2-1-24, 2-1-43, and 2-1-48. It also alleges violations of the Texas Open Meetings Act, the Texas Penal Code, the Texas Citizen's Participation Act, the First Amendment of the U.S. Constitution, and the procedural requirements of Robert's Rule of Order.

1. The complaint also listed the following individuals as identified persons and to whom a copy of the litter is sent: Members of the Commission for Women (who are addressed on the "cc" to this notice); Vicky Nguyen, Staff Liaison for the Commission for Women; Stephanie Hall, City Clerk's Office; and Lewis Austin, contract Security Guard at One Texas Center.

The respondent should have received a copy of the complaint from the City Clerk under City Code Section 2-7-41(G). The City Clerk also provided a copy of the complaint to the chair of the Commission on August 27, 2019, in accordance with City Code Section 2-7-41(G).

Within the specified time period required by City Code Section 2-7-41(H), the chair of the Commission has made an initial jurisdictional determination regarding the complaint.

The chair has determined that the Commission lacks jurisdiction to hear the complaint, as the complaint fails to state a violation within the jurisdiction of the Commission. The Commission does not have jurisdiction over alleged violations of Robert's Rules of Order, procedures for citizen communications during meetings of City boards, bylaws of City boards, state law, or federal law. The Commission also does not have jurisdiction over alleged violations of City Code Chapter 2-1 with the exception of Section 2-1-24. *See* City Code Section 2-7-26. Note that although the complainant refers to Section 2-1-24 in his complaint, the facts as alleged by the complainant do not involve conflict of interest as that term is defined by Section 2-1-24.

As required by City Code, Section 2-7-41(H)(2), the Commission must review the chair's initial jurisdictional determination regarding the complaint and may sustain or overturn the determination.

The Commission will review the chair's determination at the Commission's regular meeting set for **October 9, 2019 at 6:30 p.m., in Room 325 at One Texas Center City Hall, located at 505 Barton Springs Road, Austin, Texas 78701.** At least 72 hours prior to the meeting, the agenda for the meeting will posted on the Commission's website, which can be found here: <https://www.austintexas.gov/erc>.

The Commission will not hold a preliminary hearing on the complaint at the October 9, 2019 meeting. Instead, the only item on the Commission agenda related to the complaint will be whether to sustain or overturn the chair's initial jurisdictional determination.

Neither the complainant, the respondent, nor the identified persons are required to attend the October 9, 2019 Commission meeting. However, you may attend the meeting if you wish, and you or your legal counsel may be permitted speak to the Commission regarding the jurisdictional issue.



*Notice of Initial Jurisdictional Determination*  
*September 9, 2019*

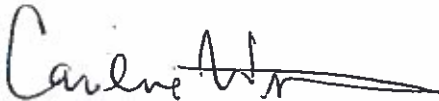
If the Commission sustains the chair's initial jurisdictional determination, the complaint will be dismissed for lack of jurisdiction and will not be set for preliminary hearing. The Commission may, at its discretion, refer the dismissed complaint to the Office of the City Auditor for possible investigation, as set forth in City Code, Section 2-7-41(H)(2)(b). If the complaint is dismissed, you will receive a written notice of the Commission's final jurisdictional determination not later than the 10th working day after the October 9, 2019 meeting.

If the Commission overturns the chair's initial jurisdictional determination, the complaint will be set for preliminary hearing not later than the 60th day after the October 9, 2019 meeting, unless agreed to by the parties or by a vote of the Commission, as provided by City Code, Section 2-7-41(H)(2)(c), or unless the chair determines there is good cause for a postponement request by the complainant, respondent, or an identified person, as provided by Section 2-7-41(H)(1)(b). If this occurs, you will receive a written notice regarding the preliminary hearing date and procedures not later than the 10th working day prior to the date of the preliminary hearing, in accordance with City Code Section 2-7-41(H), Subsections (1)(a), 1(b), and (2)(c).

A copy of City Code Section 2-7-41 is included below for your reference. A complete copy of City Code Chapter 2-7 can be found here:

[https://library.municode.com/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT2AD\\_CH2-7ETFIDI](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT2AD_CH2-7ETFIDI)

Sincerely,



Caroline Webster

Assistant City Attorney, Open Government, Ethics & Compliance Division

Enclosure

cc: Ethics Review Commission (by email)  
Commission for Women (by email)  
Rebecca Kennedy, Executive Liaison – Commission for Women (by email)  
Lynn Carter, Executive Liaison – Ethics Review Commission (by email)  
Sue Palmer, Staff Liaison – Ethics Review Commission (by email)

1156 of 188

*Notice of Initial Jurisdictional Determination*  
*September 9, 2019*

§ 2-7-41 - COMPLAINTS.

(A) In this article:

- (1) COMPLAINANT means a person filing a sworn complaint.
- (2) RESPONDENT means a person who is alleged in a sworn complaint to have violated a provision within the jurisdiction of the Ethics Review Commission:
- (3) IDENTIFIED PERSON means a person, other than the respondent, who is identified by name in a sworn complaint as being involved in the alleged inappropriate conduct.

(B) A complaint alleging a violation of a provision within the jurisdiction of the Ethics Review Commission shall specify each code section or charter provision alleged to have been violated. A complaint must state that the facts alleged are true and factual to the best knowledge of the person filing the complaint and be sworn to before a person authorized by law to administer an oath.

(C) A complaint alleging a violation within the jurisdiction of the commission must be filed with the city clerk not later than the second anniversary of the date of the action alleged as a violation, and may not be filed afterward.

(D) On the sworn complaint of any person filed with the city clerk's office or on the commission's own initiative, the commission shall consider possible violations of a provision within the jurisdiction of the commission by City officials and employees, former City officials and employees, candidates for election to City offices, and other persons subject to the provisions set forth in Section 2-7-26 ( *Functions* ). The commission may not consider complaints against its own members.

(E) A complainant must disclose in the complaint filed with the commission evidence actually known to the complainant tending to negate guilt or mitigate the seriousness of the offense. Further, the complainant must disclose to the commission and the respondent any additional evidence discovered during the complaint process that negates guilt or mitigates the seriousness of the offense until the commission has taken final action on the complaint.

(F) A city official or employee may not reveal information relating to the filing or processing of a complaint, except as required for the performance of the official's or employee's official duties, or as required by law. All papers and communications relating to a complaint must be treated as confidential unless required to be made public under the Public Information Act (Chapter 552 of the *Texas Government Code* ) or other applicable law. Investigations conducted by the Office of the City Auditor or any other City department must be conducted in a confidential manner and records of any such investigations are confidential to the extent permitted by law.

(G) Not later than the fifth working day after the city clerk receives a sworn complaint, the city clerk shall acknowledge the receipt of the complaint to the complainant and provide a copy of the complaint to the city attorney, the chair of the commission, and the respondent. The city clerk shall also send a copy of the complaint to any identified person whose contact information is listed on the complaint form.

(H) Not later than the fifth working day after receipt of a complaint from the city clerk, the chair of the commission shall make an initial determination as to whether the complaint is within the commission's jurisdiction.

- (1) If the chair determines that a complaint is within the commission's jurisdiction, the chair shall set the complaint for a preliminary hearing not later than the 60th day after the chair's initial determination, unless agreed to by the parties or by a vote of the commission. The commission may overturn the chair's initial jurisdictional determination at the preliminary hearing.

- (a) Not later than the 10th working day prior to the meeting, the chair shall cause a written notice of the date of the preliminary hearing to be sent to the complainant, the respondent, and any identified person whose contact information is listed on the complaint form or is reasonably ascertainable.

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Exhibit 7

In the name and by the authority of

**The State of Texas**

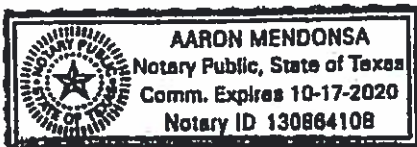
**OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER**

I, Tanya Athar-Jogee, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment for the giving or withholding of a vote at the  
election at which I was elected or as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Commissioner for Women

of the State of Texas, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States and of this State, so help me  
God.

Tanya Athar-Jogee  
Affiant

SWORN TO and subscribed before me by affiant on this 24 day of February  
2017.



(Seal)

[Signature]  
Signature of Person Administering Oath

Aaron Mendonsa  
Printed Name

Notary  
Title

Exhibit 8

In the name and by the authority of

The State of Texas

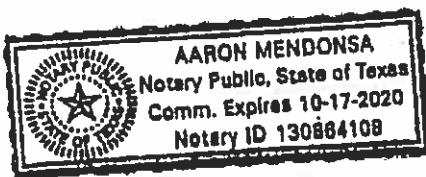
OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER

I, Rossana A. Barrios, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment for the giving or withholding of a vote at the  
election at which I was elected or as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Commission for Women

of the State of Texas, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States and of this State, so help me  
God.

Rossana Barrios  
Affiant

SWORN TO and subscribed before me by affiant on this 25<sup>th</sup> day of March February  
2017.



(Seal)

[Signature]  
Signature of Person Administering Oath

Aaron Mendonsa  
Printed Name

Notary  
Title

Exhibit 9

In the name and by the authority of

## The State of Texas

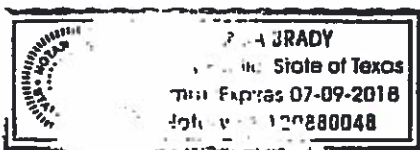
### OATH OF OFFICE and STATEMENT OF APPOINTED OFFICER

I, Flannery Bope, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment for the giving or withholding of a vote at the  
election at which I was elected or as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
City of Austin Commission for Women

of the State of Texas, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States and of this State, so help me  
God.

Flannery Bope  
Affiant

SWORN TO and subscribed before me by affiant on this 13th day of February  
2017.



(Seal)

EB  
Signature of Person Administering Oath

Erika Brady  
Printed Name

Notary Public  
Title

C160 of 188



Exhibit 10

In the name and by the authority of

**The City of Austin**

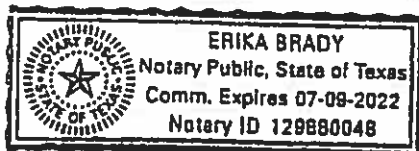
**OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER**

I, Nesa Fernandez, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Commission for Women

of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

[Signature]  
Affiant

SWORN TO and subscribed before me by affiant on this 12th day of April  
2019.



(Seal)

[Signature]  
Signature of Person Administering Oath

Erika Brady  
Printed Name

Notary Public  
Title

Exhibit 11

In the name and by the authority of

**The City of Austin**

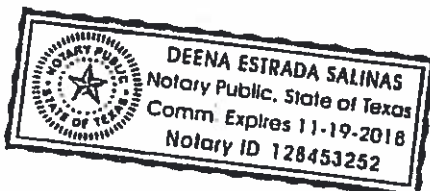
**OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER**

I, Amanda Michelle Lewis, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Commission For Women

of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

[Signature]  
Affiant

SWORN TO and subscribed before me by affiant on this 20th day of June  
2017.



(Seal)

[Signature]  
Signature of Person Administering Oath  
Deena Estrada Salinas  
Printed Name  
Notary  
Title

Exhibit 2

In the name and by the authority of

## The City of Austin

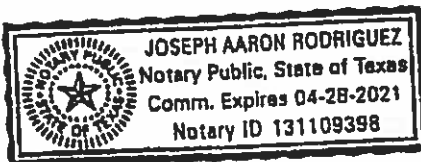
### OATH OF OFFICE and STATEMENT OF APPOINTED OFFICER

I, Dyana Limon-Mercado, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Women's Commission

of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

Dyana Limon-Mercado  
Affiant

SWORN TO and subscribed before me by affiant on this 8 day of November  
2018.



(Seal)

Joseph Rodriguez  
Signature of Person Administering Oath

Joseph Rodriguez  
Printed Name

Notary Public  
Title

(163 of 188)

Exhibit B

In the name and by the authority of

## The City of Austin

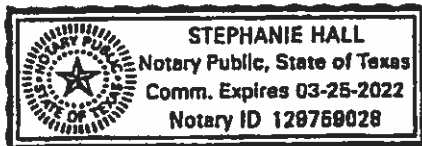
### OATH OF OFFICE and STATEMENT OF APPOINTED OFFICER

I, Sarah Taber, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
Commissioner for Women

of the City of Austin, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States, the State of Texas, and of  
this City.

[Signature]  
Affiant

SWORN TO and subscribed before me by affiant on this 18<sup>th</sup> day of April  
2019.



Stephanie Hall  
Signature of Person Administering Oath

Stephanie Hall  
Printed Name

Notary  
Title

(Seal)

Exhibit 14

In the name and by the authority of

The State of Texas

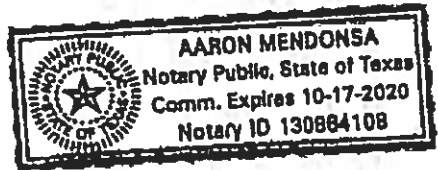
OATH OF OFFICE  
and  
STATEMENT OF APPOINTED OFFICER

I, REBECCA AUSTEN, do solemnly swear  
(or affirm), that I have not directly or indirectly paid, offered, promised to pay,  
contributed, or promised to contribute any money or thing of value, or promised  
any public office or employment for the giving or withholding of a vote at the  
election at which I was elected or as a reward to secure my appointment or  
confirmation thereof; and that I will faithfully execute the duties of the office of  
COMMISSIONER FOR WOMEN

of the State of Texas, and will to the best of my ability preserve, protect, and  
defend the Constitution and laws of the United States and of this State, so help me  
God.

[Signature]  
Affiant

SWORN TO and subscribed before me by affiant on this 7 day of February  
2017.



(Seal)

[Signature]  
Signature of Person Administering Oath  
Aaron Mendonsa  
Printed Name  
Notary  
Title

(165 of 188)

Exhibit 15

[http://austintexas.gov/cityclerk/boards\\_commissions/meetings/2019\\_29\\_1.htm](http://austintexas.gov/cityclerk/boards_commissions/meetings/2019_29_1.htm)

## Boards and Commissions Information Center

2019 Meetings: Page 1 of 2  
Go to page: 1 2





### 2019 Meetings: Ethics Review Commission

Meeting documents are also available for:

[2020](#) | [2018](#) | [2017](#) | [2016](#) | [2015](#) | [2014](#) | [2013](#) | [2012](#) | [2011](#) | [2010](#)








#### December 11, 2019

Regular Meeting of the Ethics Review Commission

-  Agenda (140KB)
-  Play audio - Meeting Audio
-  Backup - Complaint No. 20190719 - Final Order (128KB)
-  Backup - Letter of Admonition (37KB)




#### November 13, 2019

Regular Meeting of the Ethics Review Commission

-  Agenda (28KB)
-  Approved Minutes (29KB)
-  Play audio - Meeting Audio
-  Backup - Item 2 (181KB)
-  Backup - Item 3C (500KB)
-  Backup - Item 3C (512KB)
-  Backup - Meeting schedule for 2020 (120KB)

#### October 9, 2019

Regular Meeting of the Ethics Review Commission

-  Agenda (55KB)
-  Approved Minutes (22KB)
-  Play audio - Meeting Audio

1:44 - 2:32  
3:54 - 4:35

Kahle read the  
incorrect list  
of alleged violations  
into the official  
record on two  
separate instances

(166 of 188)



Exhibit 16



City of Austin

## Law Department

City Hall, 301 West 2nd Street, P.O. Box 1088  
Austin, Texas 78767-1088  
(512) 974-2268

October 18, 2019

*Available for Hand Delivery at City Law Department, 4<sup>th</sup> Floor City Hall, 301 West Second Street, Austin, Texas 78701*

Carlos Leon

*[no address provided by complainant]*

*Via First Class Mail and Email at BC-Rebecca.Austen@austintexas.gov*

Rebecca Austen

715 E. 8<sup>th</sup> Street

Austin, Texas 78701

*Via Email at Vicky.Nguyen@austintexas.gov*

Vicky Nguyen

Staff Liaison, Commission for Women

Human Resources Department

City of Austin

*Via Email at Stephanie.Hall@austintexas.gov*

Stephanie Hall

Office of City Clerk

*Via First Class Mail*

Lewis Austin

C/O Charles Spong, Client Manager, Allied Universal

1812 Centre Centre Creek Drive, Suite 215

Austin, Texas 78754

**Re: Notice of Final Jurisdictional Determination of the Chair of the City of Austin  
Ethics Review Commission**

Dear Mr. Leon and Ms. Austen:

This notice is being sent to you as required by Austin City Code, Section 2-7-41(F)(2)(b) (Complaints).

At its October 9, 2019 regular meeting, the City of Austin Ethics Review Commission ("Commission") reviewed the initial determination of the chair that the Commission lacked jurisdiction to hear the complaint filed on August 23, 2019, by Carlos Leon against Rebecca

(167-2-188)

*Notice of Final Jurisdictional Determination*  
*October 18, 2019*

Austen, which alleged violations of City Code Sections 2-1-1, 2-1-3, 2-1-21, 2-1-24, 2-1-43, 2-1-44, and 2-1-48. It also alleges violations of the Texas Open Meetings Act, the Texas Penal Code, the Texas Citizen's Participation Act, the First Amendment of the U.S. Constitution, and the procedural requirements of Robert's Rule of Order.

The complaint also listed the following individuals as identified persons: Members of the Commission for Women (who are addressed on the "cc" to this notice); Vicky Nguyen, Staff Liaison for the Commission for Women; and Stephanie Hall, City Clerk's Office.

Per City Code Section 2-7-2C, the Commission has jurisdiction over Chapter 2-7, Section 2-1-24, Chapter 2-2, Chapter 4-8, and Article III, Section 8, of the City Charter.

By a unanimous vote, the Commission sustained the chair's initial determination that the Commission lacks jurisdiction to hear the complaint. Therefore, the complaint is dismissed.

Further, the Commission did not refer the complaint to the Office of the City Auditor for possible investigation.

No further action will be taken by the Commission regarding this complaint.

Thank you on behalf of the Commission.

Sincerely,



Mary Kahle  
Chair, Ethics Review Commission

cc: Ethics Review Commission (by email)  
Commission for Women (by email)  
Rebecca Kennedy, Executive Liaison – Commission for Women (by email)  
Lynn Carter, Executive Liaison – Ethics Review Commission (by email)  
Sue Palmer, Staff Liaison – Ethics Review Commission (by email)



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Exhibit 17

<http://austintx.swagit.com/play/10172019-627>

Carlos León – Citizen Communication (immediately after Item 25)

(14:42 – 18:03)



Austin City Council Meetings  
Citizen Communications: General

**Citizen Communications: General**

Steve Swanson – City of Austin planning Silver White Mountain – A song for the homeless Valerie Romness – Challenger newspaper Paula Kothman – TBD Amy Morrow – Rental waiver for Mexican-American Cultural Center Jewel Griffin – Victim of government and police corruption Carlos León – 1) God, Jesus Christ, & The Holy Spirit shine the light of truth on evil hiding in the shadows; 2) Geoengineering chemtrail cocktail poison has no place in Austin or on Earth; 3) Losing your marbles Vol. IV, part 7 Steve McDermott – Problem with City Housing utilities Heaven Gunter – TBD Jamie Dorobek – TBD

October 17, 2019 City Council Meetings

Meeting Index Full Agenda Share

**Item 25**

Approve an ordinance amending City Code Title 3 and City Code Section 2-1-102 relating to: (a) impounded animal regulations - adding definitions, requiring core immunizations, mandating sterilization, addressing fee waivers, requiring notice to rescue organizations and revising reporting requirements; and (b) expanding advisory scope of the Animal Advisory Commission, respectively.

**Citizen Communications: General**

Steve Swanson – City of Austin planning Silver White Mountain – A song for the homeless Valerie Romness – Challenger newspaper Paula Kothman – TBD Amy Morrow – Rental waiver for Mexican-American Cultural Center Jewel Griffin – Victim of government and police corruption Carlos León – 1) God, Jesus Christ, & The Holy Spirit shine the light of truth on evil hiding in the shadows; 2) Geoengineering chemtrail cocktail poison has no place in Austin or on Earth; 3) Losing your marbles Vol. IV, part 7 Steve McDermott – Problem with City Housing utilities Heaven Gunter – TBD Jamie Dorobek – TBD

**Executive Session**

24. Approve a resolution requesting the Board of Directors of Austin Convention Enterprises, Inc. to consider a resolution concerning employee organizing at the Austin Hilton Hotel, directing that Board to present agreements for the operation of the hotel to the Council for approval and establishing the City's policy to approve

(169 of 188)

Exhibit 18

**From:** Kennedy, Rebecca  
**To:** Austen, Rebecca - BC  
**Cc:** Bope, Flannery - BC; Dore, Bryan; Nguyen, Vicky; Rios, Myrna  
**Subject:** RE: Citizen Communications  
**Date:** Tuesday, July 2, 2019 12:27:18 PM

---

Hi Chair Austen,

I do think it is fine for you to provide a statement at the beginning of Citizen's Communication to address how the commission is addressed by the speakers. If you want, once you have a draft, I can run it by our Law Department.

Thanks,

**Rebecca Kennedy**  
**Assistant Director**  
Human Resources Department  
512-974-3293

**From:** Austen, Rebecca - BC  
**Sent:** Monday, July 1, 2019 5:47 PM  
**To:** Kennedy, Rebecca <Rebecca.Kennedy@austintexas.gov>  
**Cc:** Bope, Flannery - BC <bc-Flannery.Bope@austintexas.gov>; Dore, Bryan <Bryan.Dore@austintexas.gov>; Nguyen, Vicky <Vicky.Nguyen@austintexas.gov>; Rios, Myrna <Myrna.Rios@austintexas.gov>  
**Subject:** Re: Citizen Communications

Hi Rebecca and team,

I appreciate you researching and following up on this. It's helpful to know the boundaries as we deal with this situation. The script below is helpful as well. Is it ok to state this before Mr Leon speaks the next time he attends a meeting, given his past behavior with the Commission? I would adapt it, as he typically does not speak out of turn or act disruptive during the meeting, he uses his three minutes and then leaves. Making the statement would allow us to set a tone for his language before he begins speaking. Thanks.

Becky Austen

On Jul 1, 2019, at 11:45 AM, Kennedy, Rebecca <Rebecca.Kennedy@austintexas.gov> wrote:

Hi Chair Austen,

I have been communicating with the City Clerk's and City Attorney's Office on this topic.

We asked the questions below and received the subsequent responses:

- What happens if the meeting falls below quorum if the Commissioners step

(170 of 188)

out during Citizen's Communication, including the Chair or Vice Chair?

- Anyone can step away during the meeting, as long as they return in a reasonable amount of time.
- It is not the suggested course of action for all commissioners to walk out in unison
- It is not recommended having people speak to an empty dais.
- Do the bylaws allow for Citizen Communication to only be on items on the posted agenda?
  - The Code (2-1-43) and the Bylaws do not specifically limit citizen communication to only agenda items. The bylaws state that citizens are allowed to address the board on agenda items and during a period of time set aside for citizen communications. The boards operate similarly to Council, and therefore, citizen communication does not need to be specifically limited to items on the agenda.
- Is there anything that can be done to address inappropriate comments made during Citizen's Communication?
  - The Law Department drafted a script to address decorum and consequences of bad behavior:

#### Presiding Officer's Statement

Mr./Ms. (name if known), your behavior is disruptive and violates the decorum of the \_\_\_\_ Commission meeting. You are directed not to:

- Speak out of turn,
- Use disparaging or abusive language,
- Make threats of violence,
- Disrupt the meeting by (state the relevant conduct).

If you continue to violate decorum, your time will be cut short, or you may be removed from the *Council Chambers* for the remainder of this meeting.

#### Sample Warning re Criticism v. Disparaging Remark

You may criticize a [public official/public figure], but you may not use personally derogatory or disparaging remarks. Please find a way to state your criticism without using disparaging or derogatory remarks.

We will continue to have a security officer present at the Commission meetings in One Texas Center and work with any other locations the Commission may meet.

Please let me know if we can provide any further information.

Rebecca Kennedy  
Assistant Director  
Human Resources Department  
512-974-3293

From: Austen, Rebecca - BC  
Sent: Wednesday, June 19, 2019 7:05 AM

(171 of 188)

# Exhibit 19

To: Nguyen, Vicky <[Vicky.Nguyen@austintexas.gov](mailto:Vicky.Nguyen@austintexas.gov)>; Kennedy, Rebecca <[Rebecca.Kennedy@austintexas.gov](mailto:Rebecca.Kennedy@austintexas.gov)>; Dore, Bryan <[Bryan.Dore@austintexas.gov](mailto:Bryan.Dore@austintexas.gov)>  
Cc: District10 <[District10@austintexas.gov](mailto:District10@austintexas.gov)>; Bope, Flannery - BC <[bc-Flannery.Bope@austintexas.gov](mailto:bc-Flannery.Bope@austintexas.gov)>  
Subject: Citizen Communications

Carlos Leon's communications to the Commission for Women are hateful, derogatory, racist, sexist and immaterial to the work of the Commission. Commissioners have shared that they feel threatened and harassed by his speeches, even with security present at our meetings. I understand we cannot prohibit hate speech or prevent citizens from attending meetings, per First Amendment rights. I would like to understand what options Commissioners have in this situation. After the meeting is called to order, is there a quorum issue if a majority or all Commissioners step out of the room during any portion of citizen communications, given there is no action or vote required during this part of the agenda? Is there an issue if the Chair and/or Vice Chair steps out during this time?

We are honored to serve the City as Commissioners and deeply committed to our work. We simply do not wish to be repeatedly subjected to a toxic environment when we convene. Thank you.

Becky Austen, Chair

City of Austin Commission for Women

Rebecca Austen  
Boards and Commissions

Scheduled Meeting Disclosure Information: Written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question for compensation on behalf of another person. Anyone scheduling or accepting a meeting invitation with a City Official must either acknowledge that the disclosure requirement does not apply or respond to the following survey:  
<https://www.surveymonkey.com/r/BCVisitorLog>

**IMPORTANT NOTICE:** The City of Austin provides e-mail addresses for members of its boards and commissions for their use as board members. This address should not be used for private or personal messages. The views expressed in e-mail messages reflect the views of the authors alone, and do not necessarily reflect the views of any board or commission of which the author may be a member. In particular, the views expressed here do not necessarily reflect those of the City of Austin, or any of its departments, employees or officials. E-mail messages may be

(172 of 188)



From: Austen, Rebecca - BC

Sent: Wednesday, June 19, 2019 7:05 AM

To: Nguyen, Vicky <Vicky.Nguyen@austintexas.gov>; Kennedy, Rebecca <Rebecca.Kennedy@austintexas.gov>; Dore, Bryan <Bryan.Dore@austintexas.gov>

Cc: District10 <District10@austintexas.gov>; Bope, Flannery - BC <bc-Flannery.Bope@austintexas.gov>

Subject: Citizen Communications

[ Carlos Leon's communications to the Commission for Women are hateful, derogatory, racist, sexist and immaterial to the work of the Commission. Commissioners have shared that they feel threatened and harassed by his speeches, even with security present at our meetings. I understand we cannot prohibit hate speech or prevent citizens from attending meetings, per First Amendment rights. I would like to understand what options Commissioners have in this situation. After the meeting is called to order, is there a quorum issue if a majority or all Commissioners step out of the room during any portion of citizen communications, given there is no action or vote required during this part of the agenda? Is there an issue if the Chair and/or Vice Chair steps out during this time? ]

We are honored to serve the City as Commissioners and deeply committed to our work. We simply do not wish to be repeatedly subjected to a toxic environment when we convene. Thank you.

Becky Austen, Chair

City of Austin Commission for Women

Rebecca Austen  
Boards and Commissions

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Exhibit 20

From: [BC-Rebecca.Austen@austintexas.gov](mailto:BC-Rebecca.Austen@austintexas.gov)  
To: [Nguyen.Vicky](mailto:Nguyen.Vicky)  
Cc: [Bope.Flannery-BC](mailto:Bope.Flannery-BC); [Kennedy.Rebecca](mailto:Kennedy.Rebecca); [Dore.Bryan](mailto:Dore.Bryan)  
Subject: Re: Carlos Leon  
Date: Saturday, June 29, 2019 3:38:06 PM

---

Vicky, Rebecca, Bryan,

Circling back - I'd like guidance on this for myself and the other Commissioners before our next meeting. Thanks everyone.

Becky Austen

> On Jun 20, 2019, at 9:14 AM, Austen, Rebecca - BC <[BC-Rebecca.Austen@austintexas.gov](mailto:BC-Rebecca.Austen@austintexas.gov)> wrote:

>

> Thanks Vicky. What about my other note regarding process and quorum? Is there a problem if Commissioners step out while he is speaking, including the Chair or Vice Chair? The issue is more with what he says, not his tone of voice. We should not be subjected to his hate speech and verbal battery, it creates an environment of harassment which would be disallowed in virtually any other public or professional setting. He also intimidates other citizens who may be signed up to speak.

>

> Becky Austen

>

>> On Jun 20, 2019, at 8:22 AM, Nguyen, Vicky <[Vicky.Nguyen@austintexas.gov](mailto:Vicky.Nguyen@austintexas.gov)> wrote:

>>

>> I met with Rebecca yesterday at the end of the day and we had a conversation with someone in city communications. Consensus was that your social media accounts are yours. They're your personal accounts and are not tied to City accounts so you can do with them as you wish. It is my understanding that your personal accounts are not overseen by any public records rules or regulations so if you want to block someone from your own personal account, you can.

>>

>> As far as looking into criminal records goes, I don't have an answer for you. I don't know if that information is publicly available (I would imagine it's not).

>>

>> Ultimately, the Chair oversees the meeting. Before people speak, the Chair may limit speakers to three minutes during citizen communication and I believe the Chair may request that speakers speak in a reasonable volume and manner (considering the problems the commission has had). He needs to be aware that he's in a business place, not a public meeting area. He cannot raise his voice the way he continuously does and he cannot disrupt City business; perhaps violating that will provide room for security to intervene. We are all aware that interrupting him or engaging him makes it worse, but if a warning were said beforehand, that might be enough to change things.

>>

>> Vicky Nguyen

>> HRD Human Resources Specialist

>> Commission for Women Staff Liaison

>>

>> -----Original Message-----

>> From: Bope, Flannery - BC

>> Sent: Wednesday, June 19, 2019 4:14 PM

>> To: Nguyen, Vicky <[Vicky.Nguyen@austintexas.gov](mailto:Vicky.Nguyen@austintexas.gov)>

>> Cc: Austen, Rebecca - BC <[BC-Rebecca.Austen@austintexas.gov](mailto:BC-Rebecca.Austen@austintexas.gov)>

>> Subject: Carlos Leon

>>

>> Hi —

>>

>> I'm wondering if APD can provide us with Carlos Leon's criminal history.

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Exhibit 21

ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Tanya Athar-Jogee, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Tanya Athar-Jogee  
Name

Feb 24, 2017  
Date

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Exhibit 22

# ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Rossana A. Barrios, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Rossana Barrios  
Name

2/25/17  
Date

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Exhibit 23

**ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS**

I, Plannery Bope, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Plannery Bope  
Name

2/13/17  
Date

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Exhibit 24

**ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS**

I, Neva FERNANDEZ, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Neva Fernandez  
Name

4/12/2019  
Date

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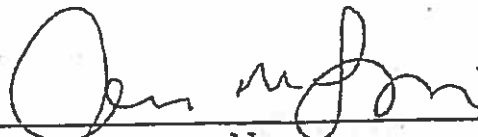
Exhibit 25

## ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Amanda Michelle Lewis, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

  
Name

6-28-17  
Date

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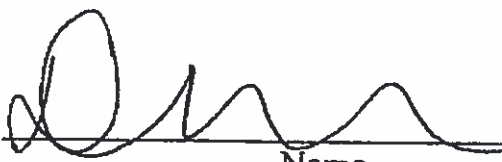
Exhibit 26

**ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS**

I, Dyana Limon-Mercado, have been appointed to serve  
as a member of the Women's Commission.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

  
Name

11/8/18  
Date

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Exhibit 27

ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS

I, Sarah Taber, have been appointed to serve  
as a member of the Commission for Women.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

A. O. F. =  
Name

April 18, 2019  
Date

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Exhibit 28

**ACKNOWLEDGMENT OF BOARD ELIGIBILITY REQUIREMENTS**

I, REBECCA AUSTEN, have been appointed to serve  
as a member of the COMMISSION FOR WOMEN.

In accordance with City Code Section 2-1-21 (*Eligibility Requirements And  
Removal*), I acknowledge that:

- (1) I have taken the oath of office, a signed copy of which is attached to this  
acknowledgment;
- (2) I have received a copy of and agree to comply with the City's ethics and  
personal responsibility guidelines; and
- (3) I agree to complete the training required by City Code Section 2-1-23  
(*Training*) within the prescribed time period.

Rebecca Austen  
Name

2/21/17  
Date

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Exhibit 29



## ETHICS REVIEW COMMISSION

MEETING MINUTES  
Wednesday, October 9, 2019

The Ethics Review Commission ("Commission") convened in a regular meeting on Wednesday, October 9, 2019, City Hall, Room 1027, 301 W. 2<sup>nd</sup> Street, Austin, Texas.

Chair Mary Kahle called the meeting to order at 7:00 p.m. [7:02 p.m.?]

Commissioners in attendance: Chair Mary Kahle, Vice-Chair Luis Soberon, and Commissioners Betsy Greenberg, Donna Beth McCormick, Nathan Ryan, and Pedro Villalobos. Secretary Kenneth "Tray" Gober and Commissioners Debra Danburg, Raafia Lari, Robin Lerner, and J. Michael Ohueri were absent.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney, and Sue Palmer, Commission staff liaison, Law Department.

### 1. EXECUTIVE SESSION

The Ethics Review Commission may announce it will go into Executive Session pursuant to Chapter 551 of the Texas Government Code to receive advice from legal counsel on any matter specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

The Commission went into executive session to discuss legal issues related to:

The Chair's initial determination that the Commission lacks jurisdiction over a complaint filed on August 23, 2019 by Carlos Leon against Rebecca Austin, which alleged violation of City Code, Chapter 2-1 (City Boards), Sections 2-1-2, 2-1-3, 2-1-21, 2-1-24, 2-1-43, and 2-1-48.

The Commission went into executive session at 7:02 p.m., and the open meeting resumed at 7:25 p.m.

### 2. PRELIMINARY HEARING 7:30 p.m.

Discussion and possible action regarding the following:

A complaint filed by Matthew Mackowiak, against Natasha Harper-Madison, which complaint alleges violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-7 (Commencement of Campaign Period).

The preliminary hearing was postponed.

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### 3. JURISDICTIONAL DETERMINATION

Discussion and possible action regarding the following:

The Chair's initial determination that the Commission lacks jurisdiction over a complaint filed on August 23, 2019 by Carlos Leon against Rebecca Austin, which alleged violation of City Code, Chapter 2-1 (City Boards), Sections 2-1-2, 2-1-3, 2-1-21, 2-1-24, 2-1-43, and 2-1-48.

Vice-Chair Soberon made a motion to concur with Chair Kahle's determination that the Commission lacks jurisdiction over the complaint, which was seconded by Commissioner Greenberg. The motion passed unanimously. Commissioners voting aye: Chair Mary Kahle, Vice-Chair Luis Soberon and Commissioners Betsy Greenberg, Donna Beth McCormick, Nathan Ryan and Pedro Villalobos. Secretary Kenneth "Tray" Gober, Commissioners Debra Danburg, Raafia Lari, Robin Lerner and J. Michael Ohueri were absent.

### 3. OLD BUSINESS

Discussion and possible action regarding the following:

- (a) Ethics Review Commission Rules and Bylaws applicable to general citizen communications, as well as citizen communications on agenda items.

Commissioner Greenberg made a motion to move citizen communication to the front of the agenda without an agenda number and that the number of speakers is limited to five allowing three minutes per person, which was seconded by Commissioner Ryan. The motion failed on a vote of 4-2. Those voting in favor were Commissioners Betsy Greenberg, Donna Beth McCormick, Nathan Ryan, Pedro Villalobos. Those voting nay were Chair Mary Kahle and Vice-Chair Soberon. Secretary Kenneth "Tray" Gober, Commissioners Debra Danburg, Raafia Lari, Robin Lerner and J. Michael Ohueri were absent.

### 4. APPROVAL OF MINUTES-SEPTEMBER 11, 2019 REGULAR COMMISSION MEETING.

Vice-chair Soberon moved that the minutes from September 11, 2019 regular commission meeting, with the correction on page two, be approved, which was seconded by Commissioner McCormick. Those voting aye were: Chair Mary Kahle, Vice-Chair Luis Soberon and Commissioners Betsy Greenberg, Donna Beth McCormick, Nathan Ryan and Pedro Villalobos. Secretary Kenneth "Tray" Gober, Commissioners Debra Danburg, Raafia Lari, Robin Lerner and J. Michael Ohueri were absent.

### 5. FUTURE AGENDA ITEMS

Citizen communication rules.

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which all was illegal  
I removed my speech & I removed me from the meetings, (communication to try stopping my speech)

# Exhibit 30

SECTION OF CHARTER OR ORDINANCE VIOLATED: \_\_\_\_\_

DATE OF ALLEGED VIOLATION: \_\_\_\_\_

ACTIONS ALLEGED TO BE A VIOLATION:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONTACT INFORMATION OF ANY PERSON(S), OTHER THAN THE PERSON COMPLAINED AGAINST, WHO IS IDENTIFIED BY NAME ABOVE OR IN ANY ATTACHMENTS AS INVOLVED IN THE ALLEGED INAPPROPRIATE CONDUCT: (Leave blank if inapplicable.)

NAME: The Commission for women members in

MAILING ADDRESS: attendance during ~~at~~ Citizen Communication

EMAIL ADDRESS [IF KNOWN]: \_\_\_\_\_

NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS [IF KNOWN]: \_\_\_\_\_

NAME: Lewis Austin - Black Male Security Guard

MAILING ADDRESS: works for Allied Universal Security

EMAIL ADDRESS [IF KNOWN]: ask Allied Universal

\* note: Lewis Austin is an unreliable witness because when I told him at the elevator that I would be reporting his assault by contact against me to his boss, he lied saying he did not touch me to try avoiding being held

Office of the City Clerk, 20.21 F1

Revised: April 12, 2017

though he clearly touched the bottom of my left elbow while I was speaking at Citizens, accountable by his older white male boss downstairs,

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(881 to 5817)

# Referenced Cases

- 1) Allright Colorado Inc. v. City and  
County of Denver  
937 F. 2d 1502
- 2) American Civil Liberties Union of Nevada  
v. Lomax  
471 F. 3d 1010
- 3) Aponte - Torres v. University of Puerto  
Rico  
445 F. 3d 50
- 4) Barstead v. Murray County  
420 F. 3d 880
- 5) Beeler v. Rainsvill  
382 F. 3d 813
- 6) Bodkin v. Gartinke  
412 F. Supp. 2d 205
- 7) California First Amendment Coalition  
v. Woodford  
299 F. 3d 868
- 8) City of Cleburne, Tex. v. Cleburne  
Living Center  
12 F. Supp. 2d 182
- 9) Cobb v. Potts  
363 F. 3d 89
- 10) Essen v. Mellon  
747 F. Supp. 692
- 11) Felton v. Griffin  
185 Fed. Appx. 700
- 12) Jocham v. Tuscola County  
239 F. Supp. 2d 714
- 13) Lee v. Connecticut  
427 F. Supp. 2d 124

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- 14) *Luterman v. U.S.*  
93 F. 2d 395
- 15) *McGee v. Green*  
425 F. Supp. 2d 124
- 16) *Monterey County Democratic Cent.  
Committee v. U.S. Postal Service*  
812 F. 2d 1194
- 17) *Nationalist Movement v. City of  
Boston*  
12 F. Supp. 2d 182
- 18) *North Olmsted Chamber of Commerce  
v. City of North Olmsted*  
86 F. Supp. 2d 755
- 19) *Perkins v. Londonberry Basketball  
Club*  
196 F. 3d 13
- 20) *Raycon Nat. Inc. v. Campbell*  
361 F. Supp. 2d 679
- 21) *Sellers v. City of Gary*  
453 F. 3d 848
- 22) *Sand Aircraft Services, Inc. v.  
Town of East Hampton*  
192 F. 3d 329
- 23) *Special Programs, Inc. v. Carter*  
923 F. Supp. 851
- 24) *Squaw Valley Development Co.  
v. Goldberg*  
375 F. 3d 936
- 25) *Tapalian v. Tusino*  
377 F. 3d 1
- 26) *U.S. v. Anderson*  
481 F. 2d 685

- 27) U.S. v. Barber  
546 F. 2d 940
- 28) U.S. v. Kimble  
719 F. 2d 1253
- 29) U.S. v. McDermott  
918 F. 2d 319
- 30) U.S. v. Occhipinti  
772 F. Supp. 770
- 31) U.S. v. O'Dell  
462 F. 2d 224
- 32) U.S. v. Redwine  
715 F. 2d 315
- 33) White v. City of Norwalk  
900 F. 2d 1421

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